

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

LAURA L. TIMLICK, an unmarried woman

Case No. 3:16-cv-05797-BHS

Plaintiff,

VS.

BANK OF AMERICA, N.A., a foreign corporation; RESIDENTIAL CREDIT SOLUTIONS, INC., a foreign corporation; THE BANK OF NEW YORK MELLON, fka The Bank of New York, as Trustee for the Certificateholders of CWMBS, Inc., CHL Mortgage Pass-Through 2007-10, a national association; RENEE M. PARKER, a resident of California, and NORTHWEST TRUSTEE SERVICES, INC., a Washington corporation,

**AMENDED STIPULATION AND
ORDER FOR CONTINUANCE OF
THE TRIAL DATE AND PRETRIAL
DATES**

Defendants.

**STIPULATION AND ORDER FOR CONTINUANCE OF THE TRIAL DATE AND
PRETRIAL DATES**

I. INTRODUCTION

Plaintiff Laura L. Timlick (“Plaintiff”) and Defendants Bank of America, N.A. (“BANA”), The Bank of New York Mellon, fka The Bank of New York, as Trustee for the Certificateholders of CWMBS, Inc., CHL Mortgage Pass-Through Trust 2007-10 Mortgage Pass-Through Certificates, Series 2007-10 (erroneously sued as The Bank of New York Mellon, fka The Bank of New York, as Trustee for the Certificateholders of CWMBS, Inc., CHL tRenee M. Parker, and

1 Northwest Trustee Services, Inc. ("NWTS") (collectively, "Defendants"), hereby respectfully
2 submit this Stipulation and Proposed Order for Continuance of the Trial Date and Pretrial Dates
3 for the good cause stated below:

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5 **II. FACTS IN SUPPORT OF REQUEST FOR EXTENSION OF TRIAL AND RELATED**
DEADLINES

6 Plaintiff counsel's father fell ill this year and seemed to recover. However, a few short
7 months after, he succumbed to his illness and passed away this summer. As a result, counsel
8 traveled to Texas twice, each for an extended period of time. Soon after the funeral in early June
9 in California, counsel suffered a severe case of pneumonia and was unable to work fully for several
10 weeks. In light of these events, counsel is being crushed under his substantial caseload. Counsel
11 has hired a contract attorney to help him catch up and to ensure that this case is better managed.

12 Plaintiff and RCS and Renee Parker have reached an agreement to settle, the parties are
13 going over the last details of their Settlement Agreement and should have it signed soon. Thus, all
14 claims against RCS and Parker will be dismissed.

15 Plaintiff anticipates resolution of her claims against defendant NWTS as well in short
16 order.

17 Regarding the remaining claims against BANA and BNY Mellon, BNY Mellon has
18 initiated litigation in the state court, under Kitsap County Case No. 15-2-02030-9, which is still
19 pending. The parties have agreed to suspend their discovery effort to concentrate their time and
20 resources exploring a global settlement. However, their negotiation requires the valuation of
21 Plaintiff's real property which is under multiple lawsuits involving boundary dispute. Several
22 appraisers were consulted but declined to be involved and the search for a skilled and willing
23 appraiser is underway.

24 While settlement negotiation were underway, the defendant BANA's representative that
25 defense counsel had been working with, went on maternity leave in September 2017. Her
26 replacement will require time to become familiarized with the facts of the case and status of the
27
28

1 proceedings in this Court as well as in Kitsap County in order to participate in meaningful
 2 settlement discussion with the Plaintiff.

3 Plaintiff counsel was hesitant to divulge his personal crisis and therefore did not provide
 4 the Court with the underlying reasons for the original request for continuance. However, defense
 5 counsel have been most gracious and cooperative in joining plaintiff counsel's request for an
 6 extension of the trial date and all related deadlines. The parties' collective desire is to settle their
 7 differences without a trial, thereby conserving judicial time and resources; they just needed some
 8 additional time to do so.

9 **III. PROCEDURAL FACTS**

10 Plaintiff filed suit against Defendants in the United States District Court for the Western
 11 District of Washington on or about September 19, 2016. Dkt. No. 1. The Complaint relates to the
 12 disposition of real property located in Kitsap County, Washington. Defendants BANA and BNY
 13 Mellon filed an Answer to Plaintiff's Complaint on October 31, 2016. Dkt. No. 17. Defendants
 14 Renee M. Parker, Residential Credit Solutions, Inc. ("RCS") and Northwest Trustee Service, Inc.
 15 ("Northwest") filed Motions to Dismiss on October 17, 2016, and October 24, 2016, respectively.
 16 Dkt. No. 14 and Dkt. No. 16. On January 17, 2017, the Court issued an Order denying in part and
 17 granting in part the Motion to Dismiss and granted leave to Plaintiff to file an amended complaint.
 18 Dkt. No. 23.

20 Plaintiff's First Amended Complaint was filed on January 19, 2017. Dkt. No. 25. On
 21 February 3, 2017, the Court issued an Order setting the relevant dates and deadlines, including the
 22 trial date, for this matter. Dkt. No. 26. RCS and Ms. Parker filed a Motion to Dismiss Plaintiff's
 23 First Amended Complaint on March 16, 2017. Dkt. No. 27. Defendants filed an Answer to
 24 Plaintiff's First Amended Complaint on April 11, 2017. Dkt. No. 30. On May 18, 2017, the Court
 25 issued an Order granting in part and denying in part RCS and Ms. Parker's Motion to Dismiss and
 26 gave leave to Plaintiff to amend. Dkt. No. 31. Plaintiff filed a Second Amended Complaint on
 27 June 7, 2017. Dkt. No. 34.

IV. PRAYER FOR RELIEF

This is the first requested continuance of the trial date and other pretrial dates that were set by the Court on February 3, 2017. The parties jointly request the Court to extend the trial date and all related deadlines accordingly.

DATED:

WITHERSPOON · KELLEY

BARRAZA LAW, PLLC

s/ Michael J. Kapaun by email authorization

Michael J. Kapaun, Esq., WSBA # 36864

Attorneys for Defendants

Bank of America, N.A.;

The Bank of New York Mellon.

*fka The Bank of New York, as Trustee for the
Certificateholders of CWMBS, Inc., CHL
Mortgage Pass-Through 2007-10*

s/ Vicente Omar Barraza

Vicente Omar Barraza, Esq., WSBA # 43589

Attorneys for Plaintiff

RCO LEGAL, P.S.

s/ *John A. McIntosh* by email authorization

John A. McIntosh, WSBA No. 43113

Attorneys for Defendant Northwest

Trustee Services, Inc.

It is so ordered. The clerk shall issue an abbreviated schedule based on a trial date of 4/3/18.

DATED: October 18, 2017



BENJAMIN H. SETTLE
United States District Judge